IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.Rev.Pet.No. 733 of 1998()

CRA.109/1996 of ADDL.SESSIONS COURT-I, MAVELIKKARA
CC.543/1994 of JUDL.MAGISTRATE OF FIRST CLASS, HARIPAD

.....

REVN. PETITIONER/APPELLANT/ACCUSED:

MADHUSOODANAN, MADHURI BHAVANAM,
PADINJAREVAZHI MURI, THRIPPERUMTHURA VILLAGE,
CHENNITHALA, MAVELIKKARA.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT/RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE S.I.
OF POLICE, HARIPAD.

BY PUBLIC PROSECUTOR MR.SHYSON P.MANGUZHA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J.

Crl.R.P.No.733 of 1998

Dated, this the 31st day of January, 2007

ORDER

This revision arises out of the judgment in Crl.A.No.109 of 1996 on the file of the Additional Sessions Court-I, Mavelikara which was filed against the judgment in C.C.No.543 of 1994 on the file of the Judicial First Class Magistrate, Haripad. The offences alleged against the petitioner are under Sections 279, 337 and 338 of the Indian Penal Code and Section 3(1) read with Section 181 of the Motor Vehicles Act. The accused was arrested and produced before the Magistrate before whom he pleaded guilty. The accused was therefore convicted and sentenced to undergo simple imprisonment for one month for offence under Section 279 IPC, simple imprisonment for three months for offence under Section 338 IPC and simple imprisonment for one month for offence under Section 3 read with Section 181 of the Motor Vehicles Act. However, no separate sentence was awarded for the offence under Section 337 IPC. It was also ordered that the sentences would run concurrently. The appeal preferred

against the said order was dismissed by the learned Sessions Judge against which this revision has been filed.

2. The learned counsel appearing for the revision petitioner did not seriously contest the findings rendered by the trial court as well as the appellate court since the accused had pleaded guilty. Counsel however prayed for mercy. Counsel also states that the amount awarded by the Motor Accidents Claims Tribunal might have been paid by this time.

3. Considering the nature of the injuries sustained by C.W.1 and other attendant circumstances I modify the sentence awarded by the courts below to that of fine. The petitioner shall deposit an amount of Rs.5000/- (Rs.Five thousand) towards fine within a period of 45 days from today before the trial court failing which benefit of this order would not be available. Complainant injured can receive the amount on deposit. On failure to deposit the amount the petitioner will have to undergo simple imprisonment for one month.

Revision petition is disposed of accordingly.

K.S.RADHAKRISHNAN,
Ag.Chief Justice.

vns